

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

JEREMY LEON RUCKER, )  
vs. )  
Plaintiff/Petitioner, )  
vs. )  
STATE OF OKLAHOMA, )  
Defendant/Respondent. )  
No. CIV-15-945-W

## ORDER

On December 21, 2015, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this matter and recommended *inter alia* that this action be dismissed without prejudice.<sup>1</sup> Although plaintiff/petitioner Jeremy Leon Rucker was advised of his right to object, see Doc. 7 at 3, and of the consequences of his failure to object, see id., no objection has been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Goodwin's suggested disposition of this matter. Despite directives to do so, see Docs. 5, 6, Rucker has neither paid the initial partial filing fee of \$9.85, shown good cause for his failure to do so, nor sought an extension of time to act. See Freeman v. Colorado Department of Corrections, 396 Fed. Appx. 543 (10<sup>th</sup> Cir. 2010)(dismissal warranted due to plaintiff's failure to pay required filing fee); Rule 3.4(a), Rules of the United States District Court for the Western District of Oklahoma (failure of any applicant to pay initial partial filing fee by date specified, seek timely extension within which to make payment or show cause in

<sup>1</sup>The only relief for which Rucker prayed in this matter was "a copy of, or access to all files, records, and transcripts in his [state court] criminal proceedings." Doc. 1 at 3. See State v. Rucker, Case No. CF-2003-2815.

writing by that date why applicant cannot pay shall be cause for dismissal without prejudice to refiling).

Accordingly, the Court

- (1) ADOPTS Report and Recommendation [Doc. 7] issued on December 21, 2015;
- (2) DISMISSES this matter without prejudice to refiling; and
- (3) ORDERS that no filing fees or costs be imposed or collected.

ENTERED this 21<sup>st</sup> day of January, 2016.



LEE R. WEST  
UNITED STATES DISTRICT JUDGE